

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP 2155
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q76440

Lieven TRAPPENIERS, et al.

Application No.: 10/616,980

Group Art Unit: 2155

Confirmation No.: 2865

Examiner: Shawki Saif ISMAIL

Filed: July 11, 2003

For: METHOD, COMPUTER SOFTWARE PRODUCTS, CLIENT TERMINAL, NETWORK
ELEMENT AND NETWORK FOR EFFICIENT USE OF NETWORK RESOURCES BY
JUST-IN-TIME MODULATION OF QUALITY OF SERVICE BASED ON SERVICE
USAGE AND USER BEHAVIOR

RESPONSE UNDER 37 C.F.R. § 1.116

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated July 2, 2007, please consider the remarks as
submitted herewith on the accompanying pages.

REMARKS

Status of Application

Claims 1-12 are all the claims pending in the application.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-12 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,208,640 to Spell et al. (“Spell”). Applicant traverses this rejection for at least the following reasons.

Claim 1 requires “receiving a user profile from a client terminal, said user profile comprising aggregated user behavior information recorded at said client terminal.” (emphasis added.) The Examiner alleges that Spell teaches this element of claim 1, citing col. 10, lines 7-31 of Spell.

The cited portion of Spell, however, states the following:

An administration component 516 can be provided to offer an end user a degree of control over his or her own ISDN usage A user may, for example, wish to indicate a particular balance between costs and level of service, or may wish to specify that, for example, e-mail messages are to receive top priority regardless of cost.

(Spell at col. 10, lines 7-31.) The above quote merely appears to teach allowing a user to indicate manual preferences or settings, and clearly does not teach that a user profile could comprise “aggregated user behavior information recorded at said client terminal.” This portion of Spell fails to describe recording or aggregating user behavior information, instead describing specific preferences which a user may separately indicate, for example, for e-mail or other applications. Such preferences or settings are not aggregated, and are not “user behavior information,” as required by claim 1.

Claim 1 further requires “receiving QoS demands from said client terminal, said QoS demands determined based on said user profile.” Since Spell fails to teach “said user profile” as described above, Spell also fails to teach this element of claim 1.

Thus, Spell fails to teach each and every element of claim 1, and therefore fails to anticipate claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 and its dependent claims 2-5 and 10-12.

Independent claims 6, 7, and 9 recite features similar to those of claim 1. Applicant submits, that these claims are, therefore, also patentable at least for reasons analogous to those presented above with regard to claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claims 6, 7, and 9, and dependent claim 8.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS).

Applicants herewith petition the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: November 2, 2007